

DFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bor-Wen Chan et al.

Serial No.: 10/764,913

Filed: January 26, 2004

For: NOVEL METHOD OF
TRIMMING TECHNOLOGY

§ Attorney Docket No.: 2003-305/24061.516
§
§ USPTO Customer No.: 42717
§
§ Examiner: Mitchell, James M.
§
§ Art Unit: 2813
§
§ Confirmation No.: 2955

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present paper is being submitted in response to the Restriction Requirement - Office Action mailed April 7, 2006.

A check in the amount of \$100 for two additional dependent claims is included for consideration of the present paper. However, if any other fees are necessary, including additional extension of time fees, the extension of time is hereby requested, and the Commissioner is hereby authorized to charge any fees, including those for the extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Election of Claims is on page 2 of this paper.

Listing of Claims begins on page 3 of this paper.

Remarks/Arguments begin on page 10 of this paper.

05/10/2006 SFELEKE1 00000007 10764913

01 FC:1202

100.00 0P

II. Election

In the Office Action the Examiner identified two species, Species I directed to a bilateral layer formed on substrate and Species II directed to a bilateral layer formed on gate. With regards to Species II, the Examiner has also identified two sub-species, Sub-Species a) for the embodiment of Figs. 2-6, and Sub-Species b) for the embodiments of Figs. 7-12. In light of the claim amendments herein provided, the species can be identified as follows:

Species I:	Claims 1-10
Species II:	Claims 11-37
Sub-species a):	Claims 23-35, and 36
Sub-species b):	Claims 11-22, and 37

With traverse, Applicants provisionally elect Species I.

Applicants respectfully traverse the distinction between Species I and II because these are not different species, rather claims 1-10 generically describe a substrate, and claims 11-37 describe a substrate *that includes* a gate layer. This is further evidenced by dependent claims 36 and 37, which provide additional limitations to generic claim 1 requiring that the substrate include a gate layer (claim 36) and silylated portions of photoresist (claim 37). Therefore, in the examination of Species I, if claim 1 is allowed, then dependent claim 36 (which, according to the Examiner, is directed to Species II, a) and dependent claim 37 (which, according to the Examiner, is directed to Species II, b) will likewise also be allowed.